

ASSEMBLY BILL

No. 2331

Introduced by Assembly Member Skinner

February 19, 2010

An act to amend Section 53270 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2331, as introduced, Skinner. Local government: employees: firefighters.

Existing law authorizes the California Firefighter Joint Apprenticeship Program to administer, prepare, and circulate to local governments a list of permanent career civilian federal, state, and local government firefighters eligible for appointment to a firefighter position and authorizes a permanent career civilian federal, state, or local government firefighter to apply for placement on the list after he or she receives a notice of termination of position or a priority placement notice, and requires his or her name to remain on the list for a period of 48 months.

This bill would require the removal of a firefighter's name from the list upon notification that he or she has obtained new employment or has been reemployed. The bill would also authorize the California Firefighter Joint Apprenticeship Program to update the list, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53270 of the Government Code is
2 amended to read:

1 53270. (a) The Legislature hereby finds that the hiring of
2 permanent career civilian federal, state, and local government
3 firefighters by local agencies as specified in this section is in need
4 of uniform statewide regulation and constitutes a matter of
5 statewide concern that shall be governed solely by this section.

6 (b) Notwithstanding any other provision of law, upon approval
7 by its governing body, a local government, including, but not
8 limited to, a fire protection district, joint powers agency, or the
9 fire department of a city, including a charter city, county, or city
10 and county, or any political subdivision of one of these agencies,
11 when hiring additional firefighters, may appoint as a member or
12 officer any person who meets all of the following criteria:

13 (1) Was serving as a permanent career civilian federal firefighter
14 in good standing at any United States military installation or was
15 a permanent career firefighter employed by the state or a local
16 government within the state.

17 (2) Has satisfactorily completed all firefighter training required
18 for employment as a permanent career civilian federal, state, or
19 local government firefighter.

20 (3) Was, as a consequence of the closure, downsizing, or
21 realignment of a federal military installation, terminated as a
22 permanent career civilian federal firefighter, or as a consequence
23 of job-elimination, terminated as a permanent career state or local
24 government firefighter, within 48 months prior to the appointment.

25 (c) The appointment authority created by this section shall take
26 precedence over any provision of, or any condition or circumstance
27 arising from a provision of, a charter, ordinance, or resolution that
28 governs employment of firefighters, that would otherwise frustrate
29 the purpose of this section, including, but not limited to, the
30 following:

31 (1) The local government maintains a civil service or merit
32 system governing the appointment of firefighters.

33 (2) The local government has available to it an eligible or regular
34 reemployment list of persons eligible for those appointments.

35 (3) The appointed person is not on any eligible list.

36 (d) A local government may not employ a person pursuant to
37 this section if a special reemployment list is in existence for the
38 firefighter position to be filled.

39 (e) If a local government determines to appoint a person pursuant
40 to this section, it shall give first priority to residents of the

1 jurisdiction, and second priority to residents of the county not
2 residing in the jurisdiction.

3 (f) The seniority, seniority-related privileges, and rank that a
4 permanent career civilian federal, state, or local government
5 firefighter possessed while employed at a federal military
6 installation or by the state or a local government shall not be
7 required to be transferred to a position in a local government fire
8 department obtained pursuant to this section.

9 (g) To effectuate the purposes of this section, the California
10 Firefighter Joint Apprenticeship Program may administer, prepare,
11 *update*, and circulate to local governments a list of permanent
12 career civilian federal, state, and local government firefighters
13 eligible for appointment pursuant to this section. Placement on the
14 list shall be governed by length of service as a permanent career
15 civilian federal, state, or local government firefighter. A permanent
16 career civilian federal, state, or local government firefighter may
17 apply for placement on the list after he or she receives a notice of
18 termination of position or a priority placement notice, and shall
19 remain on the list for a period of 48 months. *Upon notification by*
20 *a firefighter of employment or reemployment, the name of that*
21 *firefighter shall be removed from the list immediately.*